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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,981	04/21/2004	Jurgen Rohner	PO8144/LeA 36,249	6906
157	7590	04/19/2005	EXAMINER	
BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205			TRUONG, DUC	
		ART UNIT	PAPER NUMBER	(731)

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

IS
ML

Office Action Summary	Application No.	Applicant(s)	
	10/828,981	ROHNER ET AL	
	Examiner	Art Unit	
	Duc Truong	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kostrzeca or CA 2402135, both of record on 1449.

The Kostrzeca reference discloses plastic material for making the sheets is a clear polycarbonate plastic, such as the Markrolon 1143 material ---(see col. 3, last line to col. 4, line 3).

The CA 2402135 reference discloses the extrusion of polycarbonate molding composition containing branched polycarbonates which have a melt volume rate (MVR) in accordance with ISO 1133 of 2 to 20 cm³/ 10 min (300 C, 1.2 kg) (see page 2, lines 11-16).

Note that the branched polycarbonates can be produced from bisphenols and phosgene or carboxylic esters (see page 3, lines 4-16) in that the branching agents

have been disclosed on page 3, last paragraph to page 4, line 16) with the molar ratios (page 4, lines 18-19), overlapped with those in claims 2-3.

The disclosures of the references differ from the instant claims in that they do not disclose the claimed viscosity parameter.

However, the Kostrzecha reference does disclose the use of a polycarbonate derived from Markrolon 1143 material and the CA 2402135 reference does disclose the use of at least bisphenol (dihydroxy compound) and at least one branching agent having the claimed melt volume rate.

In view of this similarity, it would appear to be inherent that the product, a thermally formed molded article comprising said branched polycarbonate having the claimed viscosity parameter of 1.75 to 3.0, could be considered inherent in the prior art.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostrzecha or CA 2402135.

The Kostrzecha and CA 2402135 references disclose the branched polycarbonate, as stated above.

The Kostrzecha reference further discloses that the polycarbonate sheet produced by using vacuum thermo-forming process. In this process, the plastic, which is purchased in the form of a flat sheet, is softened by being heated and then drawn down onto a mold by vacuum. The plastic sheet is allowed to cool, thereby producing the desired corrugated shape (see col. 4, lines 10-17).

The CA 2402135 reference further discloses the reactants and the steps of the process to form said branched polycarbonate (see page 11, line 15 et seq. and in the Examples).

The disclosures of the references differ from the instant claims in that they do not disclose the specific steps of the process, as in the claims.

However, the claimed steps of the process have been included in the broad teachings of the references. Therefore, it would have been obvious to one of ordinary skill in the art to select the steps of the process from the references within the limitations of the instant claims since they have been shown to be effective in a similar system and thus would have been expected to provide adequate results. There is no showing of unexpected results derived from said selections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 571-272-1081. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 1711

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DUCTRUONG
PRIMARY EXAMINER
